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For those seeking to manage their estate planning, we provide a comprehensive selection of personal trust forms, including the widely utilized joint revocable trust often set up by parents or grandparents. Trusts can be categorized as either revocable, allowing for changes during the grantor's lifetime, or irrevocable, which are more permanent in nature.

(Beneficiary Name) INCOME CAP TRUST

Irrevocable Living Trust Agreement

Dated _____, 20_____

RECITALS:

This declaration of Trust is made this _____ day of 20_____, by _____, **Grantor** (Grantor Name) _____, (Beneficiary Name), as **Grantor**, establishes a trust which is effective _____ (Date Effective) for the benefit of _____ (Beneficiary Name) the lifetime beneficiary ("Beneficiary"). The initial **Trustee** is _____ (Trustee Name)

ARTICLE 1 - NAME OF TRUST

This irrevocable trust shall be known as "The _____ (Beneficiary Name) INCOME CAP TRUST".

ARTICLE 2 - PURPOSE OF THE TRUST

The purpose of this Trust is to provide for the administration and disposition of the trust estate during and after the lifetime of the beneficiary, in accordance with the terms and conditions of the Trust. This Trust is created pursuant to Section 1917 (d) (4) (B) of the Social Security Act [42 USC 1396p]. This trust document is created in order to enable the beneficiary to qualify for Medicaid, and any provisions of this trust which are deemed to be inconsistent or contrary to the intent of the above-referenced federal law shall be deemed to be void and of no further force or effect. All interpretations and actions taken by the trustee pursuant to this Trust shall be done for and with the purpose of creating, establishing, and maintaining the beneficiary's eligibility for Medicaid benefits.

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IRREVOCABLE TRUST AGREEMENT

THIS AGREEMENT made and entered into the _____ day of _____, 20____, by
and between _____, an adult resident of _____,
County, _____, (hereafter referred to as "Grantor") and
_____, (hereafter referred to as "Trustees").

WITNESSETH:

That for the good and valuable consideration (receipt of which is hereby acknowledged),
and for the purpose of establishing an Irrevocable Trust to provide property hereinafter
designated and for the other purposes hereinafter set forth, the Grantor does hereby convey,
transfer and deliver to the Trustees the property as itemized and described in Schedule "A" which
is attached hereto.

All of said property together with all subsequent additions thereto is to be held and
administered by said Trustees as a trust, subject to the following uses, terms and conditions:

ARTICLE I.

The Trustees shall hold and administer the income and principle of this Trust for the
benefit of the Grantor's wife, _____ and child, _____, born _____, and
any other children of the Grantor born after the execution of this Agreement (hereinafter
collectively referred to as the "children").

Irrevocable Trust Agreement, Page 1

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**SPECIMEN FORMS PROVIDED BY PENN MUTUAL ARE FOR ILLUSTRATIVE PURPOSES ONLY.
NEITHER PENN MUTUAL NOR ITS AGENTS AND REPRESENTATIVES PROVIDE LEGAL ADVICE. BEFORE
EXECUTING A LEGAL DOCUMENT OR IMPLEMENTING A TRANSACTION OR PLAN, A QUALIFIED
ATTORNEY SHOULD BE CONSULTED.**

IRREVOCABLE TRUST AGREEMENT

AGREEMENT made and entered into this _____ day of _____, 20____, by and between _____, whose address is _____, herein called "SETTLOR(S)", and _____, herein called "TRUSTEE(S)."

WHEREAS the SETTLOR intends and desires to create an irrevocable trust for the benefit of the beneficiaries designated in this Trust Agreement.

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, the SETTLOR and the TRUSTEE(S) hereby covenant and agree as follows:

TRANSFER OF PROPERTY

SETTLOR has transferred to the TRUSTEE(S) all right, title, and interest in and to the property and assets listed in the Schedule A which is attached hereto and made a part hereof, which said property and assets, and all additions thereto and income therefrom, shall herein be called the "TRUST ESTATE."

The SETTLOR and/or others may hereafter transfer to the TRUSTEE(S), by inter vivos gift or testamentary devise or bequest, other property and assets, including life insurance policies on the life of the SETTLOR or others, which said additional property and assets shall be incorporated into the TRUST ESTATE as an integral part thereof.

The TRUSTEE(S) is hereby vested with full and complete title to the TRUST ESTATE, subject only to the terms and conditions of this Trust Agreement, and the TRUSTEE(S) hereby covenants and agrees to hold, administer, and distribute the TRUST ESTATE in accordance with the terms and provisions hereof.

BENEFICIARIES' RIGHT OF WITHDRAWAL

Any provision of this Trust Agreement to the contrary notwithstanding, within ten (10) days of receipt of any property or assets transferred to it, the TRUSTEE(S) shall notify the SETTLOR's spouse and

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FORM #17
(Irrevocable Trust. Code Section 2505(c) Trust. This trust is an example of the specimen that is described at 9A.070.01.)

IRREVOCABLE TRUST AGREEMENT
Made October 20, 2004.

ARTICLE I.

Purpose

I, JUDITH J. JONES, of Peoria, Illinois, trustee to JAMES A. JONES, of Peoria, Illinois, as Trustee, for dollars and other consideration. The Trustee agrees to administer this property, together with any other assets and changes, according to this instrument.

ARTICLE II.

Illustration of Trust Estate

Section 2.01. Andrew L. Jones Trust. The Trustee shall separate the trust estate, in a separate trust to be known as the "Andrew L. Jones Trust" and to be administered as provided in this Section.

(A) **Distributions.** The Trustee shall pay to Andrew L. Jones so much or all, if any, of the trust estate as the Trustee in its sole and absolute discretion determines to be advisable from time to time, considering as not exceeding the money otherwise available, for any purpose or reason whatsoever, including the termination of the trust.

(B) **Right to Withdraw.** Prior and after the time Andrew L. Jones attains twenty-one years of age, the Trustee shall pay to Andrew L. Jones so much or all, if any, of the trust estate as Andrew L. Jones directs in writing at any time and from time to time.

(C) **Termination.** (i) The Trustee shall terminate the trust by distribution or expeditarily according to the terms of this instrument upon the death of Andrew L. Jones, and the Trustee shall distribute the trust estate of the trust in such case or cases appointed, including the condition and the estate and the creditors of the estate of Andrew L. Jones, in such amounts and portions and subject to such trusts, terms and conditions as Andrew L. Jones may appoint by Will specifically referring to this power. To such extent, if any, as the trust estate of the trust is not effectively appointed, the Trustee shall distribute the trust estate of the trust to the three living descendants, per stirpes, of Andrew L. Jones or, if no descendants, to the estate of my son, WILLIAM R. JONES, or, if he then is living, to my son, William R. Jones, if he then is living, or, if he then is deceased, to the estate of my son, William R. Jones; provided, any share due to my grandchild, RALPH Z. JONES, shall be distributed to the Trustee under the Irrevocable Trust Agreement, made the same date as this instrument between James A. Jones and me, creating the Trust named for Ralph Z. Jones.

ARTICLE III.

Additional Provisions

Section 3.01. Distributions to Certain Persons. Property becoming payable to or for the benefit of a person who is under a minority or other legal disability or who is unable properly to manage it shall be paid to the person in the manner provided by law. If the person is under a disability, the Trustee may make distributions for the person under any applicable Uniform Gifts or Transfers to Minors Act or (ii) if legally fit, for the benefit of the person (including in advancement for amounts properly advanced for the person's benefit).

Section 3.02. Limitation of Powers. The rule against perpetuities does not and shall not, and to the maximum extent possible, all other rules of law limiting the duration of trusts do not and shall not, apply to any trust that is created by this instrument or, directly or indirectly, by exercise of any power of appointment granted in this instrument. Without limiting the generality of the preceding sentence, the Trustee (or other person to whom the power properly is granted or delegated) has the

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This Trust Agreement is made on _____, (date), between _____ (Names of Trustors) of _____ (Name of County) County, State of _____, hereinafter referred to as the Trustors, and _____ (Name of Trustee), a banking corporation organized and existing under the laws of the United States with its principal office located at _____ (street address, city, state, zip code). This Trust shall be governed and administered in accordance with the following terms and provisions:

- Transfer into Trust**
The Trustors, in consideration of the agreements and undertakings set forth below made and assumed by the Trustee, and other valuable consideration, does assign, convey, and set over to the Trustee and the Trustee's successors the property listed and described in **Schedule A**, which is attached and incorporated by reference. The Trustee is authorized to and agrees that it will receive and hold that property and such additional property as may be transferred, assigned, or bequeathed to the Trustee from time to time by any person or organization, to become a part of the principal of the Trust created by this Agreement, and all investments and reinvestments of the same and income for the uses as set forth below.
- Additions to Trust**
Any person may, from time to time, with the consent of Trustee, by conveyance, assignment, transfer, or will, add property of any kind to the Trust Estate, or any part of it, which shall then be subject to all the terms and provisions of this Trust.
- Payment of Expenses**
Trustee shall pay or reserve sufficient funds to pay all expenses of management and administration of the Trust Estate, including the compensation of Trustee, all or any part of which may, in the discretion of Trustee, be charged either to income or principal of the Trust Estate.
- Net Income**
The income of the Trust remaining after the payment by Trustee of expenses authorized in **Section 3** and charged to income, shall be and is referred to as net income.
- Income to Trustors**
The net income shall be distributed to or for the use and benefit of Trustors, _____ (Names of Trustors), while both are alive, in (e.g., monthly or quarterly) _____ installments.
- Funeral Expenses**
On the death of either Trustor, Trustee shall pay the expenses of deceased

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